

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIN D. SCHMITT, and,)
JEFFREY C. SCHMITT,) 2:09cv1517
Plaintiffs,) Electronic Filing
v.) Judge Cercone
STATE FARM INSURANCE CO.,) Chief Magistrate Lenihan
Defendant.) ECF Nos. 23, 32
)
)

MEMORANDUM ORDER

The Complaint in the above captioned case was filed in the Court of Common Pleas of Allegheny County, Pennsylvania on or about October 15, 2009. Subsequently, this action was removed to this Court by Defendant on November 13, 2009, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 32), filed on August 12, 2011, recommended that the Motion for Partial Summary Judgment filed by Defendant State Farm Insurance Company (ECF No. 23) be granted as to Plaintiffs' claim of statutory bad faith and that judgment be entered in favor of Defendant State Farm Insurance Company on that claim. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had

fourteen (14) days to file any objections. Plaintiffs filed objections to the Report and Recommendation (ECF No. 33) on August 26, 2011, and Defendant filed a Response in Opposition to Plaintiffs' Objections to the Report and Recommendation (ECF No. 34) on September 9, 2011.

After review of the pleadings and documents in the case, together with the Report and Recommendation and objections thereto, the following Order is entered:

AND NOW, this 16 day of September, 2011,

IT IS HEREBY ORDERED that the Motion for Partial Summary Judgment filed by Defendant State Farm Insurance Company (ECF No. 23) is **GRANTED**.

IT IS FURTHER ORDERED that judgment is entered in favor of Defendant and against Plaintiffs on Plaintiffs' statutory bad faith claim.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 32) of Chief Magistrate Judge Lenihan, dated August 12, 2011, is adopted as the opinion of the Court.


DAVID STEWART CERCONE
United States District Judge

cc: Kevin M. Miller, Esquire
Daniel L. Rivetti, Esquire
Mark A. Martini, Esquire

(Via CM/ECF Electronic Mail)